
Public Notice

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Buffalo District CELRB-CO-R RE: 98-06(4) Section: OH 10 and 404

**PUBLIC NOTICE FOR FEDERAL REGISTER NOTICE
ANNOUNCING NEW NATIONWIDE PERMITS
AND
REGIONAL CONDITIONS FOR THE STATE OF OHIO**

On 9 March 2000, the Corps published a notice in Part II of the Federal Register (65 FR 12818-12899) announcing the issuance of five new Nationwide Permits (NWP), the modification of six existing NWPs, the modification of nine NWP general conditions, and the adoption of two new NWP general conditions. These NWPs are activity-specific and authorize certain activities in non-tidal waters of the United States that have minimal adverse effects on the aquatic environment. The new NWP general conditions limit the use of certain NWPs in designated critical resource waters and waters of the United States within 100-year floodplains.

After the publication of this Federal Register notice, Corps districts will begin finalizing their regional conditions for the new and modified NWPs. Regional conditions will provide additional protection for the aquatic environment, by ensuring that the NWPs authorize only those activities with minimal adverse effects on the aquatic environment. Regional conditions will help ensure protection of high value waters within the District.

The publication of this Federal Register notice also begins a 90 day process for States and Tribes to make their Section 401 water quality certification and Coastal Zone Management Act (CZMA) consistency determination decisions. The 401/CZMA decisions must be made within 90 days of publication of the 9 March 2000 Federal Register. At the end of this 90 day period, the new and modified NWPs and Corps regional conditions will become effective on 7 June 2000.

The 9 March 2000 Federal Register notice is available for viewing at the Buffalo District Corps of Engineers Regulatory Branch, 1776 Niagara Street, Buffalo, New York 14207-3199, or on the Internet at <http://www.usace.army.mil/inet/functions/cw/cecwo/reg/>. As an alternative, World Wide Web users can access the Federal Register through the U.S. Government Printing Office at http://www.access.gpo.gov/su_docs/aces/aces140.html.

The Corps has also issued final decision documents for the new and modified NWPs. These documents are also available on the Internet at <http://www.usace.army.mil/inet/functions/cw/cecwo/reg/> and at Corps district offices. Furthermore, the NWP decision documents will be supplemented by Division Engineers to address decisions concerning regional conditioning of the NWPs.

Enclosed is an index of the final new and modified NWPs and conditions.

Questions pertaining to the regional conditioning of the proposed Nationwide permits described in this notice should be directed to Kathleen M. Ryan, who can be contacted by calling (716) 879-4392, or by e-mail at: Kathleen.M.Ryan@usace.army.mil

Paul G. Leuchner
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously until 7 June 2000.

Index of Nationwide Permits, General Conditions, and Definitions

Nationwide Permits

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40. Agricultural Activities
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Nationwide Permit General Conditions

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2. Proper Maintenance
3. Soil Erosion and Sediment Controls
4. Aquatic Life Movements
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7. Wild and Scenic Rivers
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Definitions

Best Management Practices
Compensatory mitigation
Creation
Enhancement
Ephemeral stream
Farm tract
Flood fringe
Floodway
Independent utility
Intermittent stream
Loss of waters of the United States
Non-tidal wetland
Open water
Perennial stream
Permanent above-grade fill
Preservation
Restoration
Riffle and pool complex
Single and complete project
Stormwater management
Stormwater management facilities
Stream bed
Stream channelization
Tidal wetland
Vegetated buffer
Vegetated shallows
Waterbody

Proposed Regional Conditions for Nationwide Permits in Ohio

3. Maintenance.

- i. Notification required prior to the use of vertical sheet piling and closed structures in the special habitat waters of Lake Erie (See additions to General Conditions).
- ii. Limited to 50 feet upstream and/or 50 feet downstream of structure.

12. Utility Activities.

- ii. Notification is required for all work in waters of the U.S., including special aquatic sites.
- iii. Notification is required for all stream work (perennial, intermittent, and ephemeral).
- iv. Notification is required for impacts greater than 1/10 acre in waters of the U.S., including wetlands.

14. Linear Transportation Crossings.

Notification is required for activities in Section 10 waters.
Notification is required for stream impacts greater than 300 linear feet.

27. Stream and Wetland Restoration Activities.

Notification is required for all work in waters of the U.S., including special aquatic sites.

39 . (Previously A) Residential, Commercial, and Institutional

Activities.

Notification is required for ephemeral stream impacts greater than 300 linear feet.

Notification is required for all impacts to Section 10 waters and wetlands adjacent to Section 10 waters.

40. Agricultural Activities.

Perennial streams are excluded.

Notification is required for impacts greater than 300 linear feet in waters of the U.S.

41. (Previously F) Reshaping Existing Drainage Ditches.

Notification is required for all impacts.

42. (Previously D) Passive Recreational Facilities.

Perennial streams are excluded.

Notification is required for all intermittent stream impacts, and all ephemeral stream impacts greater than 300 linear feet.

43. (Previously C) Stormwater Management Facilities.

Notification is required for all intermittent stream impacts, and all ephemeral stream impacts greater than 300 linear feet.

44. (Previously E) Mining Activities.

Revoked.

General Conditions:

Notifications for all Nationwide permits should include a location map (USGS topographical map).

Notification is required for all activities in state Wild and Scenic Rivers (see list below).

All wetland delineations must include the latest approved version of the Ohio Rapid Assessment Method (ORAM) for wetland evaluation. This will allow the District to determine the category of wetland the applicant proposes to impact.

Impacts to bogs and/or fens can not occur under Nationwide Permits.

No Nationwide permit may be used in Lake Erie for purposes of diverting water from the Great Lakes.

The following are designated as **Critical Resource Waters**:

1. Special habitat waters of Lake Erie including the shoreline, off shore islands, rock outcrops, and adjacent waters within the boundaries defined as 82° 22' 30" West Longitude, 83° 07' 30" West Longitude, 41° 33' 00" North Latitude and 42°00'00" North Latitude.
2. Big and Little Darby Creeks (National Wild and Scenic River System): Big Darby Creek from Champaign-Union County line downstream to the Conrail railroad trestle and from the confluence with the Little Darby Creek downstream to the Scioto River. Little Darby Creek from the Layfayette-Plain City Road Bridge downstream to within 0.8 mile from the confluence with Big Darby Creek. Total designation is

- approximately 82 miles.
3. Little Beaver Creek (National Wild and Scenic River System): Little Beaver Creek main stem, from the confluence of West Fork with Middle Fork near Williamsport to mouth; North Fork from confluence of Brush Run and North Fork to confluence of North Fork with main stem at Fredericktown; Middle Fork from vicinity of Co. Rd. 901 (Elkton Road) bridge crossing to confluence of Middle Fork with West Fork near Williamsport; West Fork from vicinity of Co. Rd. 914 (Y-Camp Road) bridge crossing east to confluence of West Fork with Middle Fork near Williamsport. Total designation is 33 miles
 4. Little Miami (Scenic component of the National System from Clifton to Foster) The portion from Foster to the Ohio River was designated a Recreational component of the National system. Total designation is 92 miles.

The following are **State Wild and Scenic Rivers**:

LITTLE MIAMI RIVER Clermont County line at Loveland to headwaters, including North Fork, Clermont County line at Loveland to confluence with East Fork and from the confluence with East Fork to Ohio River. Miles designated (approximate): 105

SANDUSKY RIVER - US Rt. 30 in Upper Sandusky to Roger Young Memorial Park in Fremont. Miles designated (approximate): 65

OLENTANGY RIVER - Delaware Dam to Old Wilson Bridge Road in Worthington. Miles designated (approximate): 22

LITTLE BEAVER CREEK - Wild segments - West Fork from 1/4 mile downstream from Twp. Rd. 914 to confluence with Middle Fork. North Fork from Twp Rd. 952 to confluence with Little Beaver Creek. Little Beaver Creek from confluence of West and Middle Forks downstream to 3/4 mile north of Grimm's Bridge.

Scenic segments - North Fork from Ohio-Pennsylvania line downstream to Jackman Road. Middle Fork from Elkton Rd. (Twp. Rd. 901) downstream to confluence with West Fork. Little Beaver Creek from 3/4 mile north of Grimm's Bridge downstream to the Ohio-Pennsylvania line. Miles designated (approximate): Wild 20, Scenic 16

GRAND RIVER - Wild segment - from Harpersfield covered bridge downstream to Norfolk and Western Railroad trestle south of Painesville.

Scenic segment - from St. Rt. 322 bridge in Ashtabula County downstream to Harpersfield covered bridge. Miles designated (approximate): Scenic 33, Wild 23

UPPER CUYAHOGA RIVER - Troy-Burton Township line in Geauga County to US Rt. 14. Miles designated (approximate): 25

MAUMEE RIVER - Scenic segment - Ohio-Indiana line to St. Rt. 24 bridge west of Defiance.

Recreational segment - St. Rt. 24 bridge west of Defiance to US Rt. 25 bridge near Perrysburg. Miles designated (approximate): Scenic 43, Recreational 53

STILLWATER RIVER SYSTEM - Recreational segment - Englewood dam to confluence with Great Miami River.

Scenic segments - Stillwater River from Riffle Road bridge in Darke Co. to Englewood dam. Greenville Creek from the Ohio-Indiana state line to the confluence with the Stillwater. Miles designated (approximate): Scenic 83, Recreational 10

CHAGRIN RIVER - Aurora Branch from St. Rt. 82 bridge downstream to confluence with Chagrin. Chagrin River from confluence with Aurora Branch downstream to St. Rt. 6 bridge. East Branch from Heath Road bridge downstream to confluence with Chagrin. Miles designated (approximate): 49

BIG AND LITTLE DARBY CREEKS - Big Darby Creek from the Champaign-Union County line downstream to the U.S. Rt. 40 Bridge, from the northern boundary of Battelle-Darby Creek Metro Park to the confluence with the Little Darby Creek downstream to the Scioto River. Little Darby Creek from the Lafayette-Plain City Road Bridge downstream to the confluence with Big Darby Creek. Miles designated (approximate): 84

KOKOSING RIVER - Knox/Morrow County line to confluence with Mohican River. North Branch of Kokosing from confluence with East Branch downstream to confluence with main stem. Miles designated (approximate): 48